

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

U.S. MINERALS, INC.,

Defendant.

CR 21-25-BU-DLC

ORDER

Before the Court is Defendant U.S. Minerals, Inc.’s (“USM”) Unopposed Motion for Early Termination of Probation. (Doc. 28.) The United States does not oppose. (*Id.* at 1.) For the reasons below, the Court grants the Motion.

BACKGROUND

On December 10, 2021, USM was sentenced for a Clean Air Act violation—negligent endangerment, in violation of 42 U.S.C. § 7413(c)(4). (Doc. 20.) The Court sentenced USM to 5 years of probation. (*Id.* at 2.)

DISCUSSION

Under federal law, this Court:

after considering the factors set forth in section 3553(a) to the extent that they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor or an infraction or at any time after the expiration of one year of probation in the case of

a felony, if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

18 U.S.C. § 3564(c).

This expansive phrasing makes clear that this Court “enjoys discretion to consider a wide range of circumstances when determining whether to grant early termination.” *United States v. Emmett*, 749 F.3d 817, 819 (9th Cir. 2014); *see also United States v. Ponce*, 22 F.4th 1045, 1047 (9th Cir. 2022). USM has served approximately two-thirds of its term of probation and is therefore statutorily eligible for the premature termination of its remaining term of probation.

Given the United States of America’s lack of opposition and USM’s compliance with the terms of probation, the Court agrees that early termination is appropriate.

Accordingly, IT IS ORDERED that the motion (Doc. 28) is GRANTED. Defendant USM’s term of probation is TERMINATED as of the date of this order.

DATED this 4th day of April, 2025.



Dana L. Christensen, District Judge
United States District Court